IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2948 of 2005

Between:

Vigneshwara Sand Workers, Jattu SC Labour Contract Coop. Society Limited, Rep. by its President Gedda Rama Rao, S/o. Musalayya, R/o. Jonnada, Alamuru Mandal, East Godavari District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
2 The District Collector, East Godavari.
3 The District Level Committee, Rep. by its Chairman, East Godavari District.
4 The District Panchayat Officer, East Godavari District, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in not considering the case of the petitioner society for granting of time for depositing of balance of
Rs. 10,50,625/- and receive the representation for extending the time of deposit of amount for quarrying sand in package No.2 Jonnada/Alamuru reaches of Gouthami left bank from 8/8 to 20/0 kms. Ramp at 19/0 to 19/2 k.m. Jonnada, 20/20 to 22/6 km. ramp at 20/20 to 20/60 - Alamuru as arbitrary, illegal, unjust and contrary to A.P. Minor Mineral Connection Rules, 1966 consequently call for the records and direct the respondents to extend the time for depositing the amount.

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner-Society was granted lease in respect of package No.2 covering the sand reaches of Jonnada – Alamuru. It is not in dispute that as per the letter of confirmation dated 23.11.2004, issued by the second respondent-District Collector, East Godavari, the petitioner has to pay the balance of lease amount by 07.02.2005 as decided by the District level Committee. However, the petitioner states that the said amount could not be paid due to certain difficulties being faced in carrying on the sand quarry operations in the reach in question and therefore, it made a representation on 12.02.2005 requesting the second respondent to grant extension of time by two months for making the payment.

The grievance of the petitioner is that the second respondent, while keeping the said representation pending, instructed the panchayat Secretary vide telegram dated 08.02.2005 to direct the petitioner to pay the fourth instalment 10.02.2005, failing which action will be initiated against the petitioner. Aggrieved by the same, this writ petition is filed.

Having heard learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents and keeping in view the fact that the request made by the petitioner for extension of time for payment of the amount in question is pending consideration, I am of the view that it would be appropriate for the second respondent as well as the third respondent-District Level Committee to take an expeditious decision in accordance with law as to the request of the petitioner for extension of time.

In the circumstances, without expressing any opinion as to the entitlement of the petitioner for extension of time as sought by it, the writ petition is disposed of with a direction to the respondents 2 to 4 to consider the request of the petitioner for extension of time as sought in the representation dated 12.02.2005 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. Till such time, the respondents are directed not to take any coercive steps against the petitioner. No costs.

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18.02.2005

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To

1 The Secretary, Government of Andhra Pradesh,
Panchayat Raj Department, Secretariat, Hyderabad.
2 The District Collector, East Godavari.
3 The District Level Committee, Rep. by its Chairman, East
Godavari District.
4 The District Panchayat Officer, East Godavari District,
Kakinada.

5 Two C.Cs to the G.P. for Panchayat Raj and Rural
Development, High Court Buildings, Hyderabad (OUT).
6 2 CD copies